AMENDMENTS TO THE DRAWINGS

None.

REMARKS

Reconsideration and allowance of this application in light of the foregoing amendments and accompanying remarks is respectfully requested.

Claims 1-15 have been canceled. Claims-15 may be re-presented in a continuation application.

Claim 16 has been amended to more particularly set forth the hinge structure.

CLAIM 16 IS NOW ALLOWABLE

Claim 16 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,409,034 to Schorner.

Independent claim 16 sets forth, inter alia, a structure such as shown in FIGS. 12-19, for example, wherein an elastomeric element (e.g., the thermoplastic rubber element 104A described on page 14, lines 24-30) has an "outer surface" that is "in tension when said two members are in said closed position." Independent claim 16 also sets forth the elastomeric element as having an inner surface which is "in compression when said two members are in said closed position." The Schorner patent does not disclose these relationships of the elastomeric element, and the Examiner has not shown how those relationships as set forth in independent claim 16 are "inherent" in the elastomeric element disclosed in Schorner.

Further, the design disclosed in Schorner requires that (1) special brackets 50 and 52 be formed of a special deformable material that deforms when the lid is closed, and (2) the elastically deformable element 30 be arranged between the two special brackets 50 and 52. See Schorner, column 5, lines 38-51. The brackets 50 and 52 are said to be

formed from polypropylene (see Schorner at column 5, line 59) which is different from the thermoplastic elastomer element 30 between the brackets 50 and 52.

In contrast, amended independent claim 16 of the instant application specifically sets forth that the elastomeric element has two lateral margins which are defined by the elastomeric element, and that the elastomeric element is free of structure laterally of the elastomeric element so that the lateral margins are "laterally exposed when the two members (e.g., the lid and base) are in said closed position as well as when said two members are in said open position." Schorner specifically teaches that the elastomeric element 30 has lateral margins which are not laterally exposed, and instead has an elastomeric element that is constrained within two special, deformable elements 50 and 52.

It is believed that the teachings of Schorner do not disclose or suggest the novel apparatus of the present invention as claimed. Therefore, the rejection of amended claim 16 is traversed and should be withdrawn.

Further, it is believed that this entire application is now in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on September 7, 2005.

Paul M. Odell